

article was stolen, forfeiture shall not be decreed unless the State Party to which the article is to be returned pays the claimant just compensation for the article. In any action for forfeiture under this section where the claimant does not establish such title but establishes that it purchased the article for value without knowledge or reason to believe it was stolen, forfeiture shall not be decreed unless—

(A) the State Party to which the article is to be returned pays the claimant an amount equal to the amount which the claimant paid for the article, or

(B) the United States establishes that such State Party, as a matter of law or reciprocity, would in similar circumstances recover and return an article stolen from an institution in the United States without requiring the payment of compensation.

(2) Any article of cultural property which is imported into the United States in violation of section 2607 of this title and which is forfeited to the United States under this chapter shall—

(A) first be offered for return to the State Party in whose territory is situated the institution referred to in section 2607 of this title and shall be returned if that State Party bears the expenses incident to such return and delivery and complies with such other requirements relating to the return as the Secretary prescribes; or

(B) if not returned to such State Party, be disposed of in the manner prescribed by law for articles forfeited for violation of the customs laws.

(Pub. L. 97-446, title III, §310, Jan. 12, 1983, 96 Stat. 2360.)

REFERENCES IN TEXT

The customs laws, referred to in subsecs. (a), (b)(3), and (c)(2)(B), are classified generally to this title.

CODIFICATION

Section 2607 of this title, referred to in subsec. (c)(1), was in the original “section 208”, and was translated as section 2607 of this title, which is section 308 of Pub. L. 97-446, as the probable intent of Congress.

§ 2610. Evidentiary requirements

Notwithstanding the provisions of section 1615 of this title, in any forfeiture proceeding brought under this chapter in which the material or article, as the case may be, is claimed by any person, the United States shall establish—

(1) in the case of any material subject to the provisions of section 2606 of this title, that the material has been listed by the Secretary in accordance with section 2604 of this title; and

(2) in the case of any article subject to section 2607 of this title, that the article—

(A) is documented as appertaining to the inventory of a museum or religious or secular public monument or similar institution in a State Party, and

(B) was stolen from such institution after the effective date of this chapter, or after the date of entry into force of the Convention for the State Party concerned, whichever date is later.

(Pub. L. 97-446, title III, §311, Jan. 12, 1983, 96 Stat. 2361.)

REFERENCES IN TEXT

For the effective date of this chapter, referred to in par. (2)(B), see section 315 of Pub. L. 97-446, set out as an Effective Date note under section 2601 of this title.

§ 2611. Certain material and articles exempt from this chapter

The provisions of this chapter shall not apply to—

(1) any archaeological or ethnological material or any article of cultural property which is imported into the United States for temporary exhibition or display if such material or article is immune from seizure under judicial process pursuant to section 2459 of title 22; or

(2) any designated archaeological or ethnological material or any article of cultural property imported into the United States if such material or article—

(A) has been held in the United States for a period of not less than three consecutive years by a recognized museum or religious or secular monument or similar institution, and was purchased by that institution for value, in good faith, and without notice that such material or article was imported in violation of this chapter, but only if—

(i) the acquisition of such material or article has been reported in a publication of such institution, any regularly published newspaper or periodical with a circulation of at least fifty thousand, or a periodical or exhibition catalog which is concerned with the type of article or materials sought to be exempted from this chapter,

(ii) such material or article has been exhibited to the public for a period or periods aggregating at least one year during such three-year period, or

(iii) such article or material has been cataloged and the catalog material made available upon request to the public for at least two years during such three-year period;

(B) if subparagraph (A) does not apply, has been within the United States for a period of not less than ten consecutive years and has been exhibited for not less than five years during such period in a recognized museum or religious or secular monument or similar institution in the United States open to the public; or

(C) if subparagraphs (A) and (B) do not apply, has been within the United States for a period of not less than ten consecutive years and the State Party concerned has received or should have received during such period fair notice (through such adequate and accessible publication, or other means, as the Secretary shall by regulation prescribe) of its location within the United States; and

(D) if none of the preceding subparagraphs apply, has been within the United States for a period of not less than twenty consecutive years and the claimant establishes that it purchased the material or article for value

¹ So in original. Probably should be “United”.

without knowledge or reason to believe that it was imported in violation of law.

(Pub. L. 97-446, title III, §312, Jan. 12, 1983, 96 Stat. 2362.)

§ 2612. Regulations

The Secretary shall prescribe such rules and regulations as are necessary and appropriate to carry out the provisions of this chapter.

(Pub. L. 97-446, title III, §313, Jan. 12, 1983, 96 Stat. 2363.)

§ 2613. Enforcement

In the customs territory of the United States, and in the Virgin Islands, the provisions of this chapter shall be enforced by appropriate customs officers. In any other territory or area within the United States, but not within such customs territory or the Virgin Islands, such provisions shall be enforced by such persons as may be designated by the President.

(Pub. L. 97-446, title III, §314, Jan. 12, 1983, 96 Stat. 2363.)

DELEGATION OF FUNCTIONS

For delegation of certain functions of President under this section, see Ex. Ord. No. 12555, Mar. 10, 1986, 51 F.R. 8475, set out as a note under section 2602 of this title.

CHAPTER 15—CARIBBEAN BASIN ECONOMIC RECOVERY

Sec.

2701. Authority to grant duty-free treatment.

2702. Beneficiary country.

- (a) Definitions; termination of designation.
- (b) Countries eligible for designation as beneficiary countries; conditions.
- (c) Factors determining designation.
- (d) Omitted.
- (e) Withdrawal or suspension of duty-free treatment to specific articles.
- (f) Reporting requirements.

2703. Eligible articles.

- (a) Growth, product, or manufacture of beneficiary countries.
- (b) Import-sensitive articles.
- (c) Sugar and beef products; stable food production plan; suspension of duty-free treatment; monitoring.
- (d) Tariff-rate quotas.
- (e) Proclamations suspending duty-free treatment.
- (f) Petitions to International Trade Commission.
- (g) Fees not affected by proclamation.
- (h) Duty reduction for certain leather-related products.

2704. International Trade Commission reports on impact of Caribbean Basin Economic Recovery Program.

- (a) Reporting requirements.
- (b) Requisite areas of Commission assessment.
- (c) Time of submission of reports; public participation.

2705. Impact study by Secretary of Labor.

2706. Effective date.

2707. Center for the Study of Western Hemispheric Trade.

- (a) Establishment.
- (b) Scope of Center.
- (c) Consultation; selection criteria.

Sec.

- (d) Programs and activities.
- (e) Definitions.
- (f) Fees for seminars and publications.
- (g) Duration of grant.
- (h) Report.

§ 2701. Authority to grant duty-free treatment

The President may proclaim duty-free treatment (or other preferential treatment) for all eligible articles from any beneficiary country in accordance with the provisions of this chapter.

(Pub. L. 98-67, title II, §211, Aug. 5, 1983, 97 Stat. 384; Pub. L. 106-200, title II, §211(e)(1)(A), May 18, 2000, 114 Stat. 287.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title II of Pub. L. 98-67, Aug. 5, 1983, 97 Stat. 384, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title note set out below and Tables.

AMENDMENTS

2000—Pub. L. 106-200 inserted “(or other preferential treatment)” after “treatment”.

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-200, title II, §201, May 18, 2000, 114 Stat. 275, provided that: “This title [amending this section and sections 2702 to 2704, 3202, and 3204 of this title and enacting provisions set out as notes under this section] may be cited as the ‘United States-Caribbean Basin Trade Partnership Act’.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-382, title II, §201, Aug. 20, 1990, 104 Stat. 655, provided that: “This title [enacting section 226 of Title 20, Education, amending sections 1677, 2463, 2702, 2703, and 2706 of this title and section 936 of Title 26, Internal Revenue Code, enacting provisions set out as notes under this section and sections 1677, 2071, and 2703 of this title and section 936 of Title 26, and amending provisions set out as notes under section 2703 of this title] may be cited as the ‘Caribbean Basin Economic Recovery Expansion Act of 1990’.”

SHORT TITLE

Section 201 of title II of Pub. L. 98-67 provided that: “This title [enacting this chapter, amending section 1202 of this title and sections 274 and 7652 of Title 26, Internal Revenue Code, repealing section 2582 of this title, and enacting provisions set out as notes under sections 1319, 2251, and 2703 of this title, sections 274 and 7652 of Title 26, and section 1311 of Title 33, Navigation and Navigable Waters] may be cited as the ‘Caribbean Basin Economic Recovery Act’.”

FINDINGS AND POLICY

Pub. L. 106-200, title II, §202, May 18, 2000, 114 Stat. 275, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) The Caribbean Basin Economic Recovery Act [19 U.S.C. 2701 et seq.] (in this title [see Short Title of 2000 Amendment note above] referred to as ‘CBERA’) represents a permanent commitment by the United States to encourage the development of strong democratic governments and revitalized economies in neighboring countries in the Caribbean Basin.

“(2) In 1998, Hurricane Mitch and Hurricane Georges devastated areas in the Caribbean Basin region, killing more than 10,000 people and leaving 3,000,000 homeless.

“(3) The total direct impact of Hurricanes Mitch and Georges on Honduras, Nicaragua, the Dominican